

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

AARON GOINS <i>et al.</i> ,	)	
	)	
<i>Plaintiffs/Counter-Defendants,</i>	)	
	)	
v.	)	No. 1:19-cv-00489-LCB-JLW
	)	
TITLEMAX OF VIRGINIA, INC. <i>et al.</i> ,	)	
	)	
<i>Defendants/Counter-Claimants.</i>	)	
	)	

**DEFENDANTS' RESPONSE TO PLAINTIFFS' FIRST AND SECOND  
MOTIONS TO AMEND/CORRECT SPELLING OF CERTAIN NAMED  
PLAINTIFFS (ECF NOS. 21 & 26)**

Defendants/Counter-Claimants TitleMax of Virginia, Inc., TitleMax of South Carolina, Inc., and TMX Finance of Virginia, Inc. (collectively, "TitleMax") do not oppose Plaintiffs' Motion to Amend/Correct Spelling of Certain Named Plaintiffs (ECF No. 21) or Second Motion to Amend/Correct Spelling of Certain Named Plaintiffs (ECF No. 26). Indeed, TitleMax would have consented to that relief if Plaintiffs had requested TitleMax's position before filing their Motions to Amend/Correct.

TitleMax does note, however, that the Motions to Amend/Correct appear to be both over- and under-inclusive.

They are over-inclusive because Plaintiffs seek leave to change the spellings of four names but then propose to spell those four names the same

ways they are already spelled in the Complaint. The four Plaintiffs for whom the Motions to Amend/Correct appear to be moot are Chimaobi Madubuike, Jasmine Mayham, Letitia Grant, and Sabrina Elliott. *Compare* Compl. Caption (listing “Chimaobi Madubuike,” “Jasmine Mayham,” “Letitia Grant,” and “Sabrina Elliott”), ECF No. 1-1, at 2–4, *with* First Mot. Amend/Corr. at 1–2 (seeking leave to change spellings to “Chimaobi Madubuike,” “Jasmine Mayham,” “Letitia Grant,” and “Sabrina Elliott”), ECF No. 21.

The Motions to Amend/Correct appear to be under-inclusive because Plaintiffs have not requested leave to fix the spellings of seven names that this Court identified as being incorrect or misspelled in the Complaint. *See* Order Summary In-Camera Documents at 2–3, ECF No. 14. Those seven Plaintiffs are Candice Perkins, Jfffrey Hankins, Kalisa Johnson, Lakeesha Redd, Shenita Melton, Kajuane Rorie, and Robert Tillman. *Id.*

Respectfully submitted this the 16th day of October, 2019.

**WOMBLE BOND DICKINSON (US) LLP**

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Finance of Virginia, Inc.*

### **CERTIFICATE OF WORD COUNT**

I certify under Local Rule 7.3(d)(1) that the body of this brief, headings, and footnotes together contain 245 words, as reported by the word count feature in Microsoft Word 2016.

This the 16th day of October, 2019.

/s/ Samuel B. Hartzell

Samuel B. Hartzell

### **CERTIFICATE OF SERVICE**

I certify that I electronically filed this Response to Plaintiffs' First and Second Motions to Amend/Correct Spelling of Certain Named Plaintiffs (ECF Nos. 21 & 26) with the Clerk of Court using the CM/ECF system.

This the 16th day of October, 2019.

/s/ Samuel B. Hartzell

Samuel B. Hartzell